

Application No. 10/724,367
Response dated Feb-08-2007
Reply to Office Action of Sept-08-2008

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The Examiner rejected claims 16 and 20 under 35 USC 102(b) as being anticipated by Bossaert (US 4,551,679), referring to col. 2, lines 60 to 63.

Bossaert is concerned such a method of tomographic scanning of an object by nuclear magnetic resonance (NMR) by producing an NMR phenomenon in the atoms of a selected element of the object which is placed in a directed magnetic field. The characteristics of the rotating magnetic field radiated by the atoms are determined in order to deduce therefrom a representation of their distribution within the object.

The present invention does not involve any application of a magnetic field to induce a NMR phenomenon. The present invention simply detects electromagnetic fields. The present invention also determines the identity of the substance emitting the field from the pattern of the field. This is quite different from what is shown in Bossaert.

Accordingly, it is submitted that claims 16 and 20 are not anticipated by Bossaert and hence the rejection thereof under 35 USC 102(b) as being anticipated by the reference should be withdrawn.

The Examiner rejected claims 16 to 18 and 20 under 35 USC 102(b) as being anticipated by Manabu (JP 4,238,810), referring to the Abstract.

As described in the Abstract, the magnetic field produced by the sample 5 is induced by an electric charge. As discussed above, the electromagnetic field which is detected in the present invention is produced naturally by the substance. There is no disclosure or suggestion in Manabu of such a detection nor the determination of the identity of the substance from the naturally occurring electromagnetic field.

Accordingly, it is submitted that claims 16 to 18 and 20 are not anticipated by Manabu and hence the rejection thereof under 35 USC 102(b) as being anticipated by the reference, should be withdrawn.

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The Examiner rejected claims 16 and 20 under 35 USC 102(e) as being anticipated by Lee et al (US 5,338,687).

Lee et al is concerned with detection of labels applied to biological materials using nuclear magnetic resonance (NMR) applied to NMR-sensitive isotope. Again, an external field is applied to the substance. As discussed above, this is not part of the present invention.

Accordingly, it is submitted that claims 16 and 20 are not anticipated by Lee et al and hence the rejection of claims 16 and 20 under 35 USC 102(c) as being anticipated by the reference, should be withdrawn.

The Examiner rejected claims 17 to 19 under 35 USC 103(a) as being unpatentable over Lee et al. The Examiner indicated that the Lee et al reference disclose substantially the same invention, except for the specific features of claims 17 to 19, but considered it obvious to modify Lee. As indicated above, Lee et al does not disclose the same invention as claimed in claim 16 and hence it is submitted that claims 17 to 19, dependent on claim 16, are not obviousness from Lee et al.

Accordingly, it is submitted that the rejection of claims 17 to 19 under 35 USC 103(a) as being unpatentable over Lee et al, should be withdrawn.

The Examiner rejected claims 16 to 18 and 20 on the ground of non-statutory obviousness-type double patenting as being unpatentable over US Patent No. 6,150,812. Submitted herewith is a Terminal Disclaimer, disclaiming the term of the patent to be granted on this application which may extend beyond to the term of US Patent No. 6,150,812. Authorization to charge the prescribed fee to our deposit account is enclosed.

With the recordal of the Terminal Disclaimer, it is submitted that the rejection is overcome and hence the rejection of claims 16 to 18 and 20 on the ground of obviousness-type double patenting, should be withdrawn.

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It is believed that this application is now in condition for allowance and early and favourable consideration and allowance are respectfully solicited.

Respectfully submitted,



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